

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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RAFAEL DE LA CRUZ, *on behalf of himself,*  
*FLSA Collective Plaintiffs and the Class,*

Plaintiff,

**ORDER**

-against-

**22-cv-10403 (AT) (JW)**

BROADWAY FOOD MART INC., d/b/a  
DOLLAR JUNCTION, SUTTER DOLLAR  
DISCOUNT INC. d/b/a SUTTER DOLLAR  
DISCOUNT, JOHN DOE CORPORATIONS  
1-100, *and* BAHIT H. MOTIWALA,

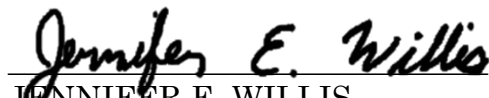
Defendants.

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**JENNIFER E. WILLIS, United States Magistrate Judge:**

The Court is in receipt of Defendants' submission at Dkt. No. 41 rejecting Plaintiff's amended complaint at Dkt. No. 40 by arguing that it was not timely. The Court notes that on June 13, 2023, the Court entered a case management plan in this action stating the last date to amend the complaint would be September 1, 2023. Dkt. No. 35 at 4. Plaintiff's amended complaint was filed on September 1, 2023. Dkt. No. 40. Therefore, the amended complaint was timely filed.

SO ORDERED.

DATED: New York, New York  
September 11, 2023

  
JENNIFER E. WILLIS  
United States Magistrate Judge